

1 PHILLIP A. TALBERT  
United States Attorney  
2 CHAN HEE CHU  
Assistant United States Attorney  
3 MISDEMEANOR UNIT  
2500 Tulare Street, Suite 4401  
4 Fresno, California 93721  
Telephone: (559) 497-4000

6 Attorneys for Plaintiff  
UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA.

Case No. 5:24-po-00032-CDB

12 Plaintiff,

[Citation #E1919483, CA71]

13 | v.

14 JESSIE HERRERA,

## MOTION TO CONVERT MANDATORY APPEARANCE TO COLLATERAL; ORDER

**Defendant.**

18 The United States of America, by and through Phillip A. Talbert, United States Attorney, and  
19 Chan Hee Chu, Assistant United States Attorney, hereby moves to convert [Citation #E1919483, CA71]  
20 in Case No. 5:24-po-00032-CDB against Defendant JESSIE HERRERA in the interests of justice.

The citation in this case was properly issued as a mandatory appearance within the discretion of the citing officer. Under the bail schedule for the Eastern District of California, driving with “no evidence of current registration,” in violation of California Vehicle Code 4000(a)(1) (via 36 C.F.R. 4.2), is an offense for which the bailable amount is \$200. The officer appears to have issued a mandatory appearance given Defendant’s erratic driving posing a threat to the safety of other drivers.

26        Although the citation was issued properly as a mandatory citation, the United States seeks to  
27 convert the citation to a collateral amount. Based on the available information, Defendant appears to  
28 have taken early responsibility and learned a valuable lesson as to the alleged misconduct, having had

1 his vehicle impounded. Given Defendant's age and poor health, as detailed by defense counsel, and lack  
2 of any evidence of alcohol or drug-related impairment during the commission of the instant offense, the  
3 United States believes a collateral amount of \$200 (\$30 processing fee to be also added) to be a fair  
4 outcome in the interests of justice. The parties have also agreed to a Deferred Prosecution Agreement as  
5 to the other citation in this matter. *See also James & Elizabeth Console Fam. v. United States*, No. 23-  
6 CV-652-DMS-BLM, 2023 WL 6120609, at \*4 (S.D. Cal. Sept. 18, 2023) ("Prosecutorial discretion is  
7 defined as [a] prosecutor's power to choose from the options available in a criminal case, such as filing  
8 charges, prosecuting, not prosecuting, plea-bargaining, and recommending a sentence to the court."  
9 (internal quotation mark and citation omitted)).

10 The United States also requests that the payment be allowed to be made by the CVB calendar in  
11 June 2024, to allow Defendant to be able to gather the necessary resources to pay off the bailable  
12 amount.

13  
14 DATED: March 29, 2024

Respectfully submitted,

15 PHILLIP A. TALBERT  
16 United States Attorney

17 By: /s/ Chan Hee Chu  
18 CHAN HEE CHU  
Assistant United States Attorney

## O R D E R

IT IS HEREBY ORDERED that [Citation #E1919483, CA71] in Case No. 5:24-po-00032-CDB against Defendant JESSIE HERRERA be converted to a bailable citation with collateral amount of \$200, with an additional \$30 in processing fee, to be due on June 4, 2024.

And IT IS FURTHER ORDERED that Defendant's initial appearance is continued from April 2, 2024, to June 4, 2024, at 10:00am.

IT IS SO ORDERED.

Dated: March 29, 2024

  
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UNITED STATES MAGISTRATE JUDGE